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REJECTION OVER A PENDING SECOND APPLICATION

Docket Number (Optional)

02/084 NUT

In re Application of: HABER et al.

Application No.: 10/538,903

Filed: 14-Jun-2005

For: Dietary foodstuff for positively influencing cardiovascular Health

Nutrino Nutrition Specialties

The owner, Nutrino Nutrition Specialties & Food Ingredients GmbH, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 10/538,174, filed on Jun 14, 2006, of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

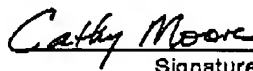
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2. ☒ The undersigned is an attorney or agent of record.



Signature

Oct 5, 2006
Date

Cathy R. Moore, Reg. No. 45,764

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